

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

**Request for Modifying the Conditions or Term of Supervision with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

Name of Offender: Toby T. Studabaker

Case Numbers: 1:03:CR:291-01 and
1:07:CR:267-01

Name of Sentencing Judicial Officer: The Honorable Paul L. Maloney
U.S. District Judge

Date of Original Sentence: April 21, 2008

Original Offense(s):

Docket Number 1:03:CR:291-01: Count One: Causing the Travel of a Minor with the Intent to Engage in Sexual Activity; 18 U.S.C. § 2423(a)

Docket Number 1:07:CR:267-01: Count Two: Possessing and Attempting to Possess Child Pornography; 18 U.S.C. § 2252A(a)(5)(B)

Original Sentence: 136 months imprisonment in Docket Number 1:03:CR:291-01 and 87 months imprisonment in Docket Number 1:07:CR:267-01, to be served concurrently and 5 years supervised release (on each docket, all such terms to be served concurrently). Special Conditions: (1) financial disclosure; (2) substance abuse testing/treatment; (3) no use/possession of alcohol; (4) mental health treatment for sex offenders; (5) refrain from frequenting where minors gather; (6) not possess a computer system or access the Internet, including WebTV, without permission of the probation officer; (7) not possess pornographic materials, patronize establishments where such materials are sold, or possess any materials promoting the normalization of criminal behavior; (8) not associate with persons under the age of 18, except in the presence of a responsible adult who is aware of the defendant's background and current offense, and who has been approved in advance by the probation officer; (9) report to the probation officer all visits with relatives or friends who have minor children; (10) not possess or publicly display any materials that may be viewed as lures for minors, as determined by the probation officer; (11) refrain from accepting or seeking civic, religious, or other voluntary positions where he will be in a position of authority or influence over others, including minors and their families; (12) provide a detailed itinerary of vacations and leisure activities, including all persons with whom he interacted or had contact; and (13) not possess or be the primary user of any cellular phone without prior permission from the probation officer. If given permission to use/possess a cell phone, the defendant must provide the number to the probation officer and the phone must be in the defendant's name or another name approved in advance by the probation officer. Special Assessment, \$100.00 on each docket (paid).

Type of Supervision: Supervised Release

Date Supervision Commenced: April 14, 2017
Expiration Date: April 13, 2022

PETITIONING THE COURT

To modify conditions of supervised release by adding Special Condition Numbers 14 and 15:

14. You must participate in the Computer/Internet Monitoring Program and must comply with the rules of the program as directed by the U.S. Probation Office. You must pay the cost of computer monitoring as directed by the probation officer and advise anyone in your household that any computer(s) in the household may be subject to computer monitoring.
15. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

CAUSE

Mr. Studabaker has a special condition for not possessing a computer or any other device with the capability to access the Internet, without the permission of the probation officer. He had been given permission to purchase a laptop computer and purchased such computer.

The probation office is seeking a modification of his conditions to effectively monitor Mr. Studabaker's computer.

Previous Violations

- **September 7, 2017:** Report on Offender: Mr. Studabaker possessed a book which was in his vehicle. It contained pornographic images of fictional characters. The book was confiscated, and he signed a receipt for surrender of the property with the understanding the book would be destroyed. A laptop was also located in the living room of the residence which belonged to another relative living in Mr. Studabaker's home. Mr. Studabaker was reminded of his special condition prohibiting internet use. Mr. Studabaker was issued an official Letter of Reprimand and ordered to provide the Court with an apology. Your Honor agreed with recommendation for no court action.

U.S. Probation Officer Action:

The offender agreed to the proposed modification and executed a Probation Form 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release, which is attached for the Court's review.

Approved,

by /s/ Krista K. Garcia
Krista K. Garcia
Supervisory U.S. Probation Officer
Date: November 13, 2018

Respectfully submitted,

by /s/ Amber L. Gonzalez
Amber L. Gonzalez
U.S. Probation Officer
Date: November 13, 2018

THE COURT ORDERS:

- ☐ No Action
☒ The Modification of Conditions as Noted Above
☐ Other

/s/ Paul L. Maloney

The Honorable Paul L. Maloney
U.S. District Judge

November 14, 2018

Date

PROB 49
(3/89)

United States District Court

Western District of Michigan

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

Toby Studabaker

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervision type or to the proposed extension of my term of supervision:

To add special condition numbers 14 and 15 to read as follows:

14. You must participate in the Computer/Internet Monitoring Program and must comply with the rules of the program as directed by the U.S. Probation Office. You must pay the cost of computer monitoring as directed by the probation officer, and advise anyone in your household that any computer(s) in the household may be subject to computer monitoring.

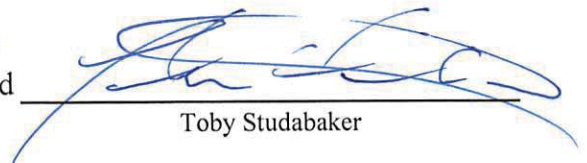
15. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

Witness


(U.S. Probation Officer)

Signed


Toby Studabaker

11/9/2018
(Date)